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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,475

01/15/2004

Dan L. Collier

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EXAMINER

KEEFER, MICHAEL E

ART UNIT

PAPER NUMBER

2154

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,475

Applicant(s)

COLLIER ET AL.

Examiner

Michael E. Keefer

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 1/15/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Application filed 1/15/2004.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 9-10,

The term "low-level commands" is indefinite and unclear. It is also a term of degree, because it is unclear how "low" low-level commands are. The examiner, in referring to the only reference to "low-level commands" in applicant's specification identified that the only structure seemingly given to "low-level commands" is that they are not "high-level commands via an embedded web server in the device capable of serving its own web pages". Therefore, this is the interpretation the examiner is giving to the phrase "low-level commands".

Regarding claim 11,

The word "its" in the last line of the claim is indefinite. The Examiner suggests deleting the word "its".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell (US 2002/0147795) in view of Minolta (JP2001117835 A, Derwent abstract, PAJ Translation also provided).

Regarding **claim 1**, Cantwell discloses:

A system comprising:

a personal computer comprising a web browser that provides communication between the personal computer and the Internet; and (Fig. 1, Computer 4)

a peripheral device coupled to the personal computer, that comprises a device driver 25, and (Fig. 1, 8, 10, 12, are all peripheral devices)

a uniform resource locator (URL) that identifies and is used to direct the web browser to a location on the Internet where appropriate driver software is located and available for downloading and installation on the personal computer; ([0015] discloses a URL to a driver website)

and wherein, when the peripheral device is connected to the personal computer, the URL launches a browser on the personal computer which is directed to the Internet location containing the driver software, automatically downloads the driver software to the personal computer, and automatically launches and installs the downloaded driver software on the personal computer without user interaction. ([0015] (following a URL to the driver website), [0019])

"At the website the browser downloads and executes executable code. ... The executable code installs any required software to the client.", [0020] The information about the device ... may be passed from the browser to the executable code.", [0022] automatically selecting a driver, [0023] automatically downloading and installing/configuring the driver.)

Regarding **claim 2 as applied to claim 1**, see Fig. 1, printer 8.

Regarding **claim 3 as applied to claim 1**, see Fig. 1, scanner 10.

Regarding **claim 6 as applied to claim 1**, see Fig. 1, intranet connection 14.

Cantwell discloses all the limitations of claims 1-3 and 6 except for the URL being stored in the firmware of the peripheral.

The general concept of storing a URL to a device driver in the firmware of a peripheral device is well known in the art as taught by Minolta. ("The flash ROM stores the URL of driver software that is required to control printer.", see Derwent Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cantwell with the general concept of storing a URL to a device driver in the firmware of a peripheral device as taught by Minolta in order to stop users from having to search for an appropriate URL to find device drivers since it is resident in the peripheral device itself.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell and Minolta as applied to claim 1 above, and further in view of Anderson et al. (US 7222357), hereafter Anderson.

Cantwell and Minolta teach all the limitations of claim 4 except that the peripheral is a camera.

Anderson teaches cameras attached to a network, see Fig. 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell and Minolta with the camera network of Anderson in order to allow users to easily download drivers for a camera they connect to via the internet.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell and Minolta as applied to claim 1 above, and further in view of Koss (US 2002/0112037).

Cantwell and Minolta teach all the limitations of claim 5 except that the peripheral is a plotter.

The general concept of having a plotter on a network is well known in the art as taught by Koss. [0004]

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell and Minolta with the general concept of having a plotter on a network as taught by Koss in order to allow plotters to also to distribute their drivers as do printers.

8. Claims 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell in view of Minolta in further view of Shaefer (US 2001/0053977).

Regarding **claim 7**, Cantwell discloses:

A method for use with a system comprising a peripheral device and a personal computer having a browser that provides communication, the method comprising the steps of:

a uniform resource locator (URL) to an Internet location where appropriate device drivers for the peripheral device are made available for downloading; ([0015] discloses a URL to a driver website)

using the URL and the web browser to automatically connect the personal computer to the Internet location holding the device drivers; ([0015] discloses a URL to a driver website)

automatically connecting the personal computer to the Internet location holding the device drivers using the URL and the web browser; downloading a driver installation package containing a device driver for the peripheral device from the Internet site to the personal computer using the web browser that is appropriate to the personal computer and its operating system and that is capable of implementing a driver installation process without the user specifying any option selections; and automatically initiating the driver installation process upon receipt of the driver installation package to install the device driver for the peripheral device on the personal computer. ([0015] (following a URL to the driver website), [0019] "At the website the browser downloads and executes executable code. ... The executable code installs any required software to the client.", [0020] The information about the device ... may be passed from the

browser to the executable code.”, [0022] automatically selecting a driver, [0023] automatically downloading and installing/configuring the driver.)

Regarding claims 8-9 as applied to claim 7, Cantwell discloses:

It is an inherent property of an installation process for drivers to notify a user that the installation is complete.

Regarding claim 10 as applied to claim 7, Cantwell discloses:

The step of accessing the URL comprises the step of using low-level commands. ([0017] discloses directly browsing to the website.)

Regarding claim 11 as applied to claim 7, Cantwell discloses:

The step of accessing the URL comprises the step of providing high level access via an embedded web server in the peripheral device capable of serving its own web pages. ([0015] discloses the device hosting its own website having the URL within it.)

Regarding claim 12 as applied to claim 7, see Fig. 1, printer 8.

Regarding claim 13 as applied to claim 7, see Fig. 1, scanner 10.

Cantwell discloses all the limitations of claims 7-13 except for the URL being stored in the firmware of the peripheral.

The general concept of storing a URL to a device driver in the firmware of a peripheral device is well known in the art as taught by Minolta. (“The flash ROM stores the URL of driver software that is required to control printer.”, see Derwent Abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cantwell with the general concept of storing a URL to a device

driver in the firmware of a peripheral device as taught by Minolta in order to stop users from having to search for an appropriate URL to find device drivers since it is resident in the peripheral device itself.

Cantwell and Minolta teach all the limitations of claims 7-13 except for communicating information regarding the personal computer and its operating system to the Internet location using the web browser.

The general concept of using network headers to determine information regarding a personal computer and its operating system is well known in the art as taught by Shaefer. ([0016])

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Cantwell and Minolta with the general concept of using network headers to determine information regarding a personal computer and its operating system as taught by Shaefer in order to eliminate user mistakes in identifying characteristics of the user's computer.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell, Minolta, and Shaefer as applied to claim 7 above, and further in view of Anderson et al. (US 7222357), hereafter Anderson.

Cantwell, Minolta, and Shaefer teach all the limitations of claim 4 except that the peripheral is a camera.

Anderson teaches cameras attached to a network, see Fig. 7.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta, and Shaefer with the camera network of

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Anderson in order to allow users to easily download drivers for a camera they connect to via the internet.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cantwell, Minolta, and Shaefer as applied to claim 7 above, and further in view of Koss (US 2002/0112037).

Cantwell, Minolta, and Shaefer teach all the limitations of claim 5 except that the peripheral is a plotter.

The general concept of having a plotter on a network is well known in the art as taught by Koss. [0004]

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Cantwell, Minolta, and Shaefer with the general concept of having a plotter on a network as taught by Koss in order to allow plotters to also to distribute their drivers as do printers.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael E. Keefer whose telephone number is (571) 270-1591. The examiner can normally be reached on Monday through Friday 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


NATHAN FLYNN
SUPERVISOR
PATENT EXAMINER

MEK 10/23/2007